

**Borough of Highlands
Planning Board
Regular Meeting
December 12, 2013**

Meeting Location: Highlands Elementary School, 360 Navesink Ave., Highlands

Mr. Stockton called the meeting to order at 7:38.

Mr. Stockton asked all to stand for the Pledge of Allegiance.

Mrs. Cummins made the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Zoning Board of Adjustment and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

**Present: Mr. Gallagher, Mr. Colby, Mr. Britton, Mr. Danzeisen, Mr. Stockton,
Mr. Kovic**

Absent: Mr. Schoeliner, Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Korn

Late Arrival: None

**Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Robert Keady, P.E., Board Engineer
Martin Truscott, P.P.**

Request for Postponement

**PB#2013-4- First Hartford Realty (CVS)
Block 108 Lots 2.02 & 2.03
Route 36 & Orchard Ave.**

Mr. Stockton explained request from applicant.

Mr. Gallagher offered a Motion to set matter down for Planning Board meeting in February 2014, seconded by Mr. Britton and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Gallagher, Mr. Colby, Mr. Britton, Mr. Danzeisen, Mr. Stockton,
Mr. Kovic**

NAYES:

ABSTAIN:

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UNFINISHED BUSINESS:

**PB#2013-3 Navesink Capital Partners, LLC
Block 101 Lots 17.02,27,27.01,30
Block 102 Lots 8 & (
Intersection of Willow St & Locust St**

**Present: Martin McGann, Esq.
Court Reporter
Scott Kennel
Sean Savage
Glen Cherveney
James Bollerman**

The following exhibits were marked into evidence:

- A-6 Preliminary and Final Major Site Plan dated 10/23/13**
- A-7 Temporary parking plan**
- A-8 Drawing of xtwo residential buildings**
- A-9 Traffic study – 1/22/13**
- O-1 Photograph of Locust St.**

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Sean Savage, P.E., was sworn in and gave the following testimony:

1. Gave a brief description of the site.
2. Described grading of the site.
3. Described the landscaping plan
4. Described the lighting plan.
5. Discussed the lighting site plan dated 10/23/13 and entitled Navesink Shore Sandy Hook Bay Marina Preliminary/Final Major Site Plan.
6. Discussed Mr. Keady's letter dated March 8th, specifically page 15.
7. Described the temporary parking plan exhibit A-7 to show visitor parking, dated 12/11/13.
8. Removed two buildings and added 18 parking stalls plus the 7 already proposed, which makes 25 spaces, which meets parking demand.
9. New plans submitted next cycle will reflect the alternative in the plans.

The Board discussed the parking requirements.

10. There will be 162 marina parking spaces required, there are 117, based on one space per slip.
11. The 117 parking stalls are associated with the marina/restaurant/shop, those uses. The requirement for that area is 162, need a parking variance for the site. There are 112 spaces required for the residential, there are 100 provided.

The Board continued to discuss parking issues.

Robert Keady was sworn in and provided the following testimony:

1. Some of the numbers testified to, are inconsistent with what are identified in his letter.

The Board discussed the number of parking spaces required and proposed.

Marty McGann, Esq. stated that 182 marina spaces required as per the engineer letter where 102 are proposed. The office and shop were not counted separately.

Regarding engineer's letter, page 9, the last sentence credits 15 boat slips, reducing parking to 71 spaces. If reductions are permitted, the total site parking may be reduced to 122.

Mr. Keady stated that 182 is accurate for parking requirement.

The Board continued discussions with regard to parking spaces and CAFRA.

Discussion continued.

Mr. McGann stated that there will be 196 seats in the restaurants, of which 150 are internal and 46 are outside, weather dependent.

The Board discussed the seating in the restaurant.

The matter was opened to the Board for questions.

Mr. Keady wants confirmation of agreement with engineer's letter.

The Board referred to Mr. Keady's letter of November 8th, 2013.

On Page 7, there is an issue with regard to sidewalks.

Mr. Savage stated that the sidewalk network is behind the units, closer to the marina and the bulkhead. He stated that there is already a CAFRA public access along the bulkhead.

Mr. Keady stated that there should be public access signs and they should be added to the plan.

Mr. McGann continued with regard to sidewalks. He stated that the speed limit on site will be 15 mph.

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The Board discussed sidewalks and public access.

Mr. Keady asked about the temporary storage shed.

Mr. McGann stated that it will be a temporary storage shed, used for maintenance on-site.

Mr. Keady stated that with regard to the roadway network, the roadway width should comply with the appropriate category of similar street types.

The Board opened the matter for public questions.

Barbara Iannucci, 28 Shrewsbury Ave – questioned construction with regard to the flood plan and asked about the type of retaining wall.

Mr. Salvage stated that a boring has been done and reports of soil will be Geotech analysis. He stated that the fill will meet the requirements and does not compromise the foundations of the buildings. He stated that this was not part of his testimony and that it is a construction issue.

Ms. Iannucci asked if this will be approved by the Army Corp.

Mr. Salvage stated that yes for the bulkhead.

Ms. Iannucci questioned with regard to the homes on Locust.

Mr. Salvage stated there will be a 5 to 6 foot retaining wall, designed by a structural engineer.

Mr. questioned the retaining wall.

Mr. Stockton asked about the retaining wall on Locust Street. He suggested that the wall may need to be shifted because of water run-off.

Mr. Salvage stated that will be addressed as needed.

The Board discussed the height of the bulkhead.

Mr. Zagrecki, Bayside Drive – With regard to Shore Drive, in the event of a hurricane, he questioned possible flooding, creating a sluice.

Mr. Salvage explained that he does not see this creating a sluice.

The Board discussed impact of filling the site.

Peter Mullen, 11 Marine Place – suggested that FEMA should have some input with regard to site fill to get out of the flood plain.

Mr. Salvage stated that filling the site will have no impact on flood elevations.

Mr. Mullen continued to question flooding concerns.

Mr. Salvage stated that this site is a waste land unless it is filled. The project is regulated by Project Coastal Zone rules. He stated that parking also needs to be out of the flood zone.

Mr. Gallagher stated that he is not satisfied that there is no study of drainage and impact to surrounding property.

The Board continued to discuss flood elevations and impact to property.

Mr. Keady suggested amending storm water report to be reviewed by DEP.

Mr. Mullen continued to question runoff and flooding.

Mr. Salvage stated they are not required to reduce the storm water runoff on the site, but they are. He continued to explain the plans with regard to retaining walls and flood issue.

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Mr. Salvage stated that there will be a fire hydrant in front of the marina shop and boat launch, and there will be two on the residential side.

Sean Byrnes, Esq., represents Charles McCague – questioned drainage report. Asked if anyone observed property during rain. Questioned regarding retaining wall.

Mr. Salvage responded that no one has observed the property during a rain. He also stated that there will be a retaining wall and further explained the materials used.

Mr. Byrnes asked if there has been anyone employed on this project who is a drainage expert.

Mr. McGann stated that there has to be a definition as to what a drainage expert is to ask that question.

Mr. Keady asked Mr. Byrnes asked what he means by drainage expert.

Mr. Byrnes withdrew question.

Mr. Byrnes questioned A-5 grading plan with regard to the retaining wall.

The Board took a short break at 9:05 and returned at 9:14.

Mr. Salvage continued testimony regarding retaining wall.

Mr. Byrne questioned retaining wall along Locust St. He also posed questions with regard to runoff and temporary parking.

Mr. Salvage explained reports regarding runoff. He agreed to additional analysis.

Mr. Byrnes continued to question Mr. Savage with regard to negative impact to his clients' property on Locust St.

Don Ryan, Willow and Shore – asked what assurances there are if the analysis is wrong and there is a flooding problem.

Mr. Serpico stated that he cannot ask that question.

Mr. Zagerecki questioned qualifications.

Mr. McGann objected.

Mr. Ryan questioned access to water off Willow.

Mr. Salvage stated public access along bulkhead.

Mr. Ryan stated that he has deeded rights to 400 feet to waterway. He stated that he has trouble going down there now.

Carol Schimeneak, Shore Drive – questioned impact to other properties and questioned parking shortage.

Mr. Salvage deferred to the traffic engineer.

Ms. Schimeneak asked about the width of the townhouses from 24 feet to 18 feet, questioned residential parking and the number of tiki bar seats. She also questioned notification.

Mr. Salvage explained the parking design.

Ms. Schimeneak expressed concerns regarding parking shortage.

The Board stated that this is a question only portion.

Mr. Savage deferred to the traffic engineer.

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Mr. Serpico stated that he checked the list of notices issued by the Borough. He further explained the law of notification. He stated that anyone within 200 feet of subject property gets notified.

Mr. Glen Cherveney, A.I.A was sworn in and provided the following testimony:

He stated that he is not licensed in the State of NJ, his firm is licensed in the State.

Mr. Stockton will allow his testimony.

He referred to the residential buildings – Seaside architectural style.

A-8 – Drawing.

Mr. Cherveney also stated that the ordinance dictates that the architectural style be carried throughout the community. He stated that is the intent. His client, Mr. Bollerman, stated he did not want to meet the ordinance, he wanted to exceed it in a grand way. One unit has a two car garage, the rest are one.

He continued to describe the architectural aspects of the project.

The Board opened the matter for public questions.

Peter Mullen asked if the unit heights were represented.

Mr. Cherveney talked about the roofline on different types of units.

Mr. Keady questioned the height.

Mr. Cherveney stated they do confirm with the height.

Carol Schimeneak asked what are the dimensions of the garages and the width of the driveways.

Mr. Cherveney explained the dimensions.

Mr. Zagregacki asked if there is a patio in the rear.

Mr. Cherveney stated that there are decks.

Sean Byrnes questioned Mr. Cherveney with regard to A-5, questioned the roofline of the residential units.

Mr. Cherveney responded.

The Board questioned me Cherveney regarding unit specifications.

Scott Kendel (traffic & transportation consultant) was sworn in and provided the following testimony:

Mr. Kendel gave a summary of his qualifications.

He prepared a report, marked, A-9, traffic study, dated 10/22/13.

Mr. Kendel described the analysis of his report and talked about ferry traffic and traffic on Willow Street.

Mr. Kendel spoke with the Chief of Police with regard to traffic signal and stated that the location did not warrant one.

The Board took a short break at 10:25 and returned at 10:27.

Mr. Kendel continued to describe the study findings.

The Board questioned Mr. Kendel with regard to parking and the impact on drainage.

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Mr. Kendel deferred to Mr. Salvage with regard to any impact on drainage.

The Board questioned with regard to emergency vehicle access.

Mr. Kendel stated that with the triangular pavement, there is enough room for emergency vehicles. The net increase of traffic is five to ten trips. The parking width will be in compliance. They could do wheel stops to prevent encroachment onto lawn area. Explained the dead end area on peninsula, the emergency vehicles could get there and turn around in triangle area which complies with the RSIS Standards. He will provide a turning template to board. They meet the access requirements. Shared parking between restaurant and marina. Described seating and parking spaces. The parking supply with the different uses and different peak time is adequate. Spoke of onsite circulation

Mr. Salvage stated they did a template with a truck and will provide same to the Board.

Mr. _____ asked if the restaurant will ever be converted into a nightclub.

Mr. Bollerman stated that the plan is to operate as a restaurant, there are no plans for a night club.

The Board opened the matter for public questions.

Peter Mullen asked about the visitor parking at the residential site.

Mr. Kendel described the residential parking.

Mr. Mullen questioned the winter storage of the boats and how it will affect the parking.

Mr. Kendel pointed to the location for day storage on the site plan.

Sean Byrnes questioned the study of other marinas.

Mr. Kendel stated he did research personally.

Mr. Colby offered a motion to carry the public hearing on this matter to the January 9th meeting without the need for further notice. Seconded by Mr. Kovic and all were in favor.

Matter carried to January 9th, 2014.

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Approval of Minutes;

Mr. Gallagher offered a motion to approve the September and November 2013 minutes. Seconded by Mr. Colby and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Schoellner, Mr. Gallagher, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton, Mr. Danzeisen, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Gallagher offered a motion to adjourn the meeting. Seconded by Mr.Kovic and all were in favor.

The meeting adjourned at 11:05 P.M.

Carolyn Cummins, Board Secretary